

Senate Bill 99

By: Senator Grant of the 25th

AS PASSED

A BILL TO BE ENTITLED

AN ACT

To amend Article 2 of Chapter 3 of Title 12 of the Official Code of Georgia Annotated, relating to state parks and recreational areas generally, so as to provide for permits for the construction and maintenance of boat shelters on High Falls Lake; to provide for a transition period; to provide for a fee; to provide for inspections; amend Code Section 52-7-13 of the Official Code of Georgia Annotated, relating to boating safety zones, restrictions on use of motors and operation of houseboats on certain lakes, and exceptions, so as to prohibit operation of certain vessels on Lake Sinclair; to provide for exceptions; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 2 of Chapter 3 of Title 12 of the Official Code of Georgia Annotated, relating to state parks and recreational areas generally, is amended by revising Code Section 12-3-34, relating to permits for construction, maintenance, and use of boat docks on High Falls Lake, as follows:

"12-3-34.

(a) The Department of Natural Resources is authorized to issue revocable permits for the construction, maintenance, and use of boat docks and boat shelters on High Falls Lake by the owners or lessees of private property abutting the high-water mark of such lake. Such permits shall constitute limited revocable licenses. Such permits shall be issued for periods of three years from the date of issuance and shall be transferable; provided, however, that in order to stagger the renewal periods, the department is authorized to issue permits of one- or two-year duration with the fee prorated appropriately. The fee for such permit for each three-year period shall be fixed by rule or regulation of the Board of Natural Resources in a reasonable amount not to exceed ~~\$50.00~~ \$75.00 for boat docks and \$75.00 for boat shelters. The fees collected for such permits shall be miscellaneous funds for purposes of use by the Department of Natural Resources pursuant to Code Section 12-3-2.

(b) No person shall construct or maintain a boat dock or boat shelter below the high-water mark of High Falls Lake without a valid permit from the Department of Natural Resources. It shall be the duty of the owner of any boat dock or boat shelter on High Falls Lake to keep such dock or shelter in good repair. All such boat docks and boat shelters shall conform to standards for construction, design, maintenance, and repair specified in rules and regulations of the department and restrictions or conditions in the permit. It shall be the duty of the owner of such boat dock or boat shelter to remove any such dock or shelter which is not in compliance with such rules and regulations or permit.

(c) It shall be the duty of the owner of any boat dock or boat shelter or the holder of any permit issued under this Code section to notify the department when he or she sells or otherwise transfers the property for which the boat dock or boat shelter is permitted.

(d) The department and any official or employee thereof is authorized to inspect any boat dock or boat shelter on High Falls Lake and to remove or cause to be removed any such dock or shelter for which a permit is not in effect or which violates the standards for construction, design, maintenance, and repair or the permit conditions imposed by the department.

~~(e) This Code section shall not affect the validity of any permit in effect on March 1, 1993, and the owners of docks for which such permits are in effect on March 1, 1993, may maintain such docks and enjoy the use thereof for the remainder of the period for which such permits were issued, subject to the terms and conditions thereof.~~

~~(f)~~(e) The Board of Natural Resources is authorized to adopt rules and regulations necessary or convenient to carry out this Code section and is authorized to impose reasonable terms and conditions on the granting of permits and the construction of boat docks and boat shelters on High Falls Lake by the owners or lessees of private property abutting the high-water mark of such lake.

~~(g)~~(f) Any permit may be revoked by the department for any violation of this Code section, any rule or regulation of the Board of Natural Resources, or any condition contained in such permit."

SECTION 2.

Code Section 52-7-13 of the Official Code of Georgia Annotated, relating to boating safety zones, restrictions on use of motors and operation of houseboats on certain lakes, and exceptions, is amended by revising subsection (h) as follows:

"(h) The operation of any of the following vessels on Lake Burton, Seed Lake, Lake Rabun, Lake Tugalo, Tallulah Falls Lake, Lake Sinclair, and Lake Yonah shall be prohibited:

(1) Any motorized vessel greater than 30 feet six inches in length; except for ~~law~~:

63 (A) Law enforcement, scientific research, or dam operation and maintenance craft;
64 or
65 (B) Any vessel that was lawfully operated on Lake Sinclair immediately prior to the
66 effective date of this subparagraph and was as of such date included on the tax roll
67 of any county within which any part of such lake lies; or
68 (2) Any vessel equipped with any type of bypass mechanism that reduces or
69 eliminates the effectiveness of the muffler or baffler system required by Code Section
70 52-7-10."

71 **SECTION 3.**

72 This Act shall become effective upon its approval by the Governor or upon its becoming
73 law without such approval.

74 **SECTION 4.**

75 All laws and parts of laws in conflict with this Act are repealed.